

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

\$1,002,327.00 in United States Currency,
seized from Fidelity Account No.
xxxxx9730, et al.,

Defendants.

Case No.: 2:13-cv-947-JAD-CWH

**Order Granting Motion to Unseal and Lift
Stay [Doc. 9]**

On May 29, 2013, the United States filed this *in rem* civil forfeiture action against three specific amounts of United States currency and two vehicles, which it alleges were procured with funds from the sale of “spice,” a controlled-substance analogue produced in violation of 21 U.S.C. § 801 *et seq.* Doc. 1. The government contends that the defendant-assets were (1) furnished or intended to be furnished in exchange for controlled substances (Count 1), are proceeds traceable to exchanges of controlled substances (Count 2), were used or were intended to be used to facilitate violations of Title II of the Controlled Substances Act (Count 3), involved in transactions or attempted transactions in violation of 18 U.S.C. § 1956, or are properties traceable to such properties (Count 4).

On June 6, 2013, the government moved *ex parte* to seal and stay the proceedings in this case, “to avoid adversely affecting the ongoing grand jury investigation, the grand jury information, the ongoing criminal investigation, the telephone wire tap information, the consensual monitoring information, the undercover law enforcement officer, and the cooperating informants.” Doc. 2 at 5. The government argued that “[i]n both cases, the


1 parties are the same; the witnesses are the same; the facts are the same; and the circumstances
2 are the same. To continue with the forfeiture action at this time would frustrate and inhibit
3 the orderly completion of the criminal investigation and grand jury investigation by allowing
4 civil discovery, which could prematurely disclose sensitive details of the criminal case.” *Id.*
5 at 10-11. The District Court granted this motion on June 25, 2013. Doc. 6 at 11.

6 On January 21, 2014, the government moved to unseal this case and lift the stay, Doc.
7 9, stating, “without waiving, or commenting further, on the viability of a criminal case
8 against any or all of the principals in this civil forfeiture action, the United States represents
9 that it has no further objection to unsealing this case; nor does it object to the stay being lifted
10 and the case moving forward.” *Id.* at 3.

11 In light of these developments and the apparent evaporation of the reason previously
12 justifying both the sealing of this matter and a stay, and with good cause appearing and no
13 reason for delay,

14 It is **HEREBY ORDERED** that the Government’s Motion to Unseal and Lift Stay
15 [Doc. 9] is **GRANTED**. The case shall be unsealed and the stay is hereby lifted.

16 DATED: January 23, 2013.

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19 JENNIFER A. DORSEY
20 UNITED STATES DISTRICT JUDGE
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